



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION I**  
**5 POST OFFICE SQUARE, SUITE 100**  
**BOSTON, MASSACHUSETTS 02109-3912**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER**  
**REQUIRES PROMPT RESPONSE**

**JUL 25 2016**

Robert Robinson  
Superintendent  
City of Manchester, Highway Department Environmental Protection Division  
Manchester Wastewater Treatment Plant  
300 Winston Street  
Manchester, NH 03103

Re: Clean Air Act Notice of Violation

Dear Mr. Robinson:

The U.S. Environmental Protection Agency, Region 1 ("EPA") is issuing the enclosed Notice of Violation ("NOV") to the City of Manchester, New Hampshire ("Manchester") for violations of the Clean Air Act at the Manchester Wastewater Treatment Plant's sewage sludge incinerator.

The NOV addresses EPA's findings that Manchester has violated and continues to violate Clean Air Act requirements for sewage sludge incinerators, found at 40 CFR Part 62, Subpart LLL. This NOV is intended to provide formal notice of the violations under Section 113 of the Clean Air Act.

We invite you to confer with EPA about the enclosed NOV and its findings. To schedule a conference, please contact Darren Fortescue, Environmental Engineer, at (617) 918-1162 or have your legal counsel contact Tom Olivier, Senior Enforcement Counsel, at (617) 918-1737 within fourteen (14) days of your receipt of this letter and the enclosed NOV.



Sincerely,

*Susan Studlien*

Susan Studlien, Director  
Office of Environmental Stewardship

Enclosure

By electronic cc: Evan Mulholland, NH DES  
Cathy Beahm, NH DES  
Fred McNeil, Chief Engineer Manchester WWTP



**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION I – NEW ENGLAND**

**NOTICE OF VIOLATION**

**IN THE MATTER OF:**

City of Manchester

Manchester Wastewater Treatment Plant  
300 Winston Street  
Manchester, NH

Proceeding under Section 113  
of the Clean Air Act

**STATUTORY AUTHORITY**

1. The United States Environmental Protection Agency (“EPA”) issues this Notice of Violation (“NOV”) to the City of Manchester, New Hampshire (“Manchester”) pursuant to Sections 111(d) and 113 of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7411(d) and 7413.
2. Under the authority of Section 111(d) and Section 129(b)(3) of the CAA, 42 U.S.C. §§ 7411(d) and 7429(b)(3), EPA has established a federal plan for the control of emissions from existing sewage sludge incinerators (“SSIs”) in states that have not submitted an approvable state plan. The federal plan is found at 40 CFR Part 62, Subpart LLL (“Subpart LLL”). See 81 Fed. Reg. 26039, dated April 29, 2016.
3. The State of New Hampshire has not submitted an approvable state plan for the control of emissions from SSIs. The federal plan is effective May 31, 2016.
4. Section 113 provides that whenever EPA finds that any person has violated or is in violation of a requirement or prohibition of the Clean Air Act, EPA may issue an order to



comply, may initiate an administrative penalty action in accordance with Section 113(d), or may bring a civil action in accordance with Section 113(b).

5. This NOV describes EPA's findings that Manchester has violated and continues to violate requirements of Subpart LLL, and provides notice to Manchester of such findings.

#### **LEGAL AND FACTUAL BACKGROUND**

6. Manchester owns and operates a fluidized bed SSI located at 300 Winston Street in Manchester, NH that is subject to Subpart LLL (the "Facility").

7. The Facility was constructed before October 14, 2010.

8. The Facility accepts sewage sludge from the Manchester publicly-owned water treatment works.

9. The compliance date for the Facility under Subpart LLL was March 21, 2016.

10. Since January 2016, EPA and Manchester have had one conference call concerning the Facility's anticipated failure to comply with Subpart LLL by March 21, 2016.

11. Manchester has not submitted to EPA a notification under 40 CFR § 62.15915 indicating that the Facility would be closed permanently by March 21, 2016.

12. As required by 40 CFR § 62.15895, facilities must provide notice within 10 days of the compliance date of failure to comply with Subpart LLL and submit monthly reports to EPA.

13. Under Subpart LLL, owners and operators of subject SSIs must complete various actions by or before the compliance date of March 21, 2016, including but not limited to:

- a. submission of a final control plan and achieve final compliance (40 CFR § 62.15875);



- b. submission of a site-specific monitoring plan at least 60 days before March 21, 2016 (40 CFR § 62.15995);
- c. conducting an initial air pollution control device inspection (40 CFR § 62.15990);
- d. demonstrating compliance with the applicable emission limits specified in Table 2 or 3 (40 CFR §§ 62.15955 and 62.16000); and
- e. setting and meeting the applicable operating limits as provided in 40 CFR § 62.15960.

### **VIOLATIONS**

14. Manchester has not completed various actions under Subpart LLL required to be performed by March 21, 2016, including, but not limited to, those listed above in Paragraphs 12 and 13 of this Notice of Violation.

15. Accordingly, Manchester has violated and continues to violate Subpart LLL.

### **ENFORCEMENT**

16. EPA may issue Manchester a compliance order, issue an administrative penalty order, and/or commence a civil judicial action for penalties and injunctive relief, with respect to any of the violations of Subpart LLL. See Section 113 of the CAA, 42 U.S.C. § 7413.

17. Be advised that where EPA or another agency has notified a source of a violation, in certain circumstances the violation shall be presumed to continue for each and every day from the date of notice until the violator establishes that continuous compliance has been achieved.

See Section 113(e)(2) of the CAA.

18. The issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law to address the violations described herein.



**OPPORTUNITY TO CONFER**

19. Manchester may confer with EPA concerning this NOV and the findings on which it is based. To schedule a face-to-face conference, please contact Darren Fortescue, Environmental Engineer, at (617) 918-1162, or have your attorney call Tom Olivier, Senior Enforcement Counsel, at (617) 918-1737, within fourteen (14) days from the date Manchester receives this NOV.

**SO ISSUED:**

Susan Studlien  
Susan Studlien, Director  
Office of Environmental Stewardship  
U.S. EPA Region 1

07/22/2016  
Date